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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Nepal

1. At its 25th meeting, on 29 April 2010, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on children and armed conflict in Nepal (S/2010/183), introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Deputy Permanent Representative of Nepal to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) They welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and took note of the analysis and recommendations contained therein;

(b) They welcomed the Action Plan that was signed by the Government, the Unified Communist Party of Nepal-Maoist (UCPN-M) and the United Nations on 16 December 2009, in accordance with the Nepal peace agreement, the recommendations in the previous report of the Secretary-General (S/2008/259) and the conclusions of the Working Group on Children and Armed Conflict (S/AC.51/2008/12) that permitted the official discharge of the disqualified Maoist personnel verified as minors and which has resulted in the discharge of 2,973 children as of March 2010;

(c) They also welcomed the Government initiative to pass the child rights protection and promotion bill to criminalize the recruitment and use of children by armed groups and armed forces;

(d) They underscored the need to clear landmines and unexploded ordnance, in order to avoid the killing and maiming of children;

(e) They expressed concern regarding children's exposure to or forced participation in violent political activities.

3. The Deputy Permanent Representative of Nepal:

(a) Took note of the report of the Secretary-General on children and armed conflict in Nepal (S/2010/183) and recognized that the discharge of minors from the

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cantonment and the ongoing process to rehabilitate them have been a significant step in the peace process;

(b) Stated that, since the launching of the peace process, there has been no new recruitment of children as combatants;

(c) Stated also the commitment of his Government to operationalize the National Plan of Action for the Reintegration of Children Affected by Armed Conflict;

(d) Stressed that Nepal, as a party to the Convention on the Rights of the Child, is fully committed to protecting and promoting the rights of the child;

(e) Emphasized that article 22 of the Interim Constitution of Nepal, 2007 guarantees that no minor shall be employed in factories, mines or any other such hazardous work, or shall be used in the army, the police or in conflicts;

(f) Assured the Working Group of the full cooperation of the Government in discharging its national responsibilities and expressed appreciation for the possible support the United Nations system and development partners could provide in this endeavour.

4. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to the following direct action.

Public statement by the Chairman of the Working Group

5. The Working Group agreed to address a message to all stakeholders involved in the protection of children in Nepal, in particular the Unified Communist Party of Nepal-Maoist (UCPN-M) and youth wings of the major political parties, through a public statement by its Chairman on behalf of the Working Group:

(a) *Welcoming*:

(i) The Action Plan that was signed by the Government, UCPN-M and the United Nations on 16 December 2009, in accordance with the Nepal peace agreement, the recommendations in the report of the Secretary-General (S/2008/259) and the conclusions of the Working Group (S/AC.51/2008/12);

(ii) The official discharge of the disqualified Maoist personnel verified as minors, which had resulted in the discharge of 2,973 children as of March 2010;

(b) *Urging* them:

(i) To refrain from any new recruitment or re-recruitment of children and to ensure that children are not exposed to or forced to participate in violent activities, or forced into association with groups that engage in such activities;

(ii) To immediately stop the closure and use of schools during strikes (*bandhs*), which curtail freedom of movement and restrict children's access to education, including in the Tarai region;

(iii) To give all necessary support to strengthening the monitoring and reporting of violations against children, in particular those committed in the Tarai region;

(iv) In particular the UCPN-M, to cooperate closely with the United Nations and the Government of Nepal to ensure the full implementation of the Action Plan, as well as to ensure that Maoist army personnel disqualified as minors have unhindered access to the rehabilitation packages offered by the Government and supported by the United Nations;

(v) To stop the use of improvised explosive devices to avoid the killing and maiming of children;

(c) In line with the above, the Working Group stresses its intention to visit Nepal in the coming months to follow up on the progress made in the protection of children, in particular on the status of the Action Plan, the remaining challenges and issues concerning the monitoring and reporting mechanism, and rehabilitation and reintegration programmes for children formerly associated with armed groups and individuals recruited as minors; and to demonstrate commitment to children and communities affected by armed conflict.

6. The Working Group agreed to recommend that the President of the Security Council transmit the following letters:

Letter from the Chairman of the Working Group transmitted by the President of the Security Council to the Government of Nepal

(a) *Welcoming*:

(i) The Action Plan that was signed by the Government of Nepal, UCPN-M and the United Nations on 16 December 2009, in accordance with the Nepal peace agreement and the recommendations in the report of the Secretary-General (S/2008/259) and the conclusions of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2008/12);

(ii) The official discharge of the disqualified Maoist personnel verified as minors, which had resulted in the discharge of 2,973 children as of March 2010;

(iii) The efforts and progress made to address the recruitment and use of children consistent with the applicable international obligations and commitments of the Government of Nepal and other violations and abuses committed against children within its territory;

(b) *Expressing concern* about public security, which remains a matter of serious preoccupation, especially in the Tarai region and in some hill districts in the eastern region, where many armed groups continue to operate in a climate of impunity and the population, including children, continues to be the victim of armed groups;

(c) *Encouraging* it:

(i) To endorse, as soon as possible, the National Plan of Action for the Reintegration of Children Affected by Armed Conflict, call for its further full operationalization, and ensure the allocation of adequate resources for its effective implementation;

(ii) To ensure that the draft bills on the Truth and Reconciliation Commission and the Disappearances Commission are fully consistent with the applicable international obligations and commitments of the Government of Nepal, taking into account international standards, and that they make special provision for children;

(iii) To expedite the enactment of the child rights protection and promotion bill to ensure the immediate criminalization, consistent with the international obligations of Nepal, of the recruitment and use of children by armed groups and armed forces;

(iv) To take measures in favour of child victims and individuals recruited as minors aimed at ensuring the adequate functioning of the existing rehabilitation and reintegration programmes, in order to ensure appropriate access to remedies, including through awareness-raising campaigns to encourage the use of these programmes;

(v) To continue providing mine risk education activities through the Department of Education and supported by the United Nations Mine Action Team for teachers and children in the districts directly affected by mines, and to accelerate the development of the national mine action plan;

(d) *Urging* it:

(i) To ensure that all children formerly associated with armed groups and individuals recruited as minors receive long-term support, particularly crucial educational support, in order to enable their appropriate rehabilitation and reintegration back into society. A viable protection and prevention system is also required in order to reduce the vulnerability of all children to any possible new recruitment or re-recruitment;

(ii) To continue to take all steps necessary to put an end to impunity by ensuring effective accountability for violations and abuses committed by all parties during and after the conflict, in particular by investigating allegations of recruitment, re-recruitment and use of children, killings and maimings, rape and other sexual violence, abductions, attacks on schools and hospitals, and denial of humanitarian access, and prosecuting the perpetrators of such actions accordingly;

(iii) To continue its policy of not using anti-personnel landmines in violation of applicable international law and to remove unexploded ordnance, in order to avoid the killing and maiming of children;

(e) In line with the above, the Working Group stresses its intention to visit Nepal in the coming months to follow up on the progress made in the protection of children, in particular on the status of the Action Plan, the remaining challenges and issues concerning the monitoring and reporting mechanism, and rehabilitation and reintegration programmes for children formerly associated with armed groups and individuals recruited as minors; and to demonstrate commitment to children and communities affected by armed conflict.

Letter from the Chairman of the Working Group transmitted by the President of the Security Council to the Secretary-General

(a) *Commending* the efforts undertaken by the United Nations to contribute actively to the protection of children in Nepal, including the Action Plan that was signed with the Government and UCPN-M on 16 December 2009, in accordance with the Nepal peace agreement, the recommendations in the report of the Secretary-General (S/2008/259) and the conclusions of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2008/12);

(b) *Requesting* him to ensure that the United Nations continue monitoring the compliance of UCPN-M with the Action Plan and requirements under Security Council resolutions 1612 (2005) and 1882 (2009), paying particular attention to whether discharged minors are forced or otherwise coerced into association with groups which engage in political violence;

(c) *Requesting* him to ensure that a child protection capacity is preserved in phasing out the activities of the United Nations Mission in Nepal (UNMIN), with a view to facilitating, inter alia, the discharge of all children present in the containment camps;

(d) *Commending* the work of the Children Associated with Armed Forces and Armed Groups Working Group.

Direct action by the Working Group

7. The Working Group agreed to address the following letter:

Letter from the Chairman of the Working Group to the Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal

(a) *Commending* the work of child protection advisers in UNMIN and their continued efforts to ensure the protection of children in Nepal, and requesting her to:

(i) Continue to allocate human and technical resources to ensure that all children affected by the conflict in all regions are covered under the monitoring and reporting mechanism;

(ii) Continue to advocate for greater protection of children.

8. The Working Group further agreed to address the following letters:

Letter from the Chairman of the Working Group to donors

Inviting them:

(a) To ensure that sufficient resources are made available to support programmes for the release, return and reintegration of children associated with armed groups to their respective families and communities, including for the programme of the Children Associated with Armed Forces and Armed Groups Working Group, with due consideration for the long-term requirements of such programmes;

(b) To support the Government of Nepal in its efforts to secure the funding for staff to survey and clear landmines and unexploded ordnance, as well as for victim assistance.

Letter from the Chairman of the Working Group to the Resident Coordinator and the United Nations country team

(a) *Commending* their efforts in the follow-up to Security Council resolutions 1612 (2005) and 1882 (2009), in particular as regards the Task Force on Children and Armed Conflict, and its coordinating role within the Children Associated with Armed Forces and Armed Groups Working Group;

(b) *Requesting* them to continue to advocate for greater protection of children.